IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NOS.4549, 5496 AND 15698 OF 1994

-

-

WRIT PETITION NO : 4549 of 1994

Between:
1. M/s Sampre Nutritious Pvt. Ltd., Plot No.133, Industrial Estate, Medchal RR.District, A.P.Rep,by its Director Mr.Pritam B.Lalvani.

..... PETITIONER

AND
1 The Union of India rep.by its Secretary, Ministry of Health and Family Welfare Nirman Bhavan, New Delhi.
2 The Secretary Department of Chemicals and Petrochemicals Governmetn of India Shastri Bhavan,New Delhi.
3 The Drugs Controller (India, Directorate of Health Services Nirman Bhavan New Delhi
4 The Director Department of Indian Medicines & Homeopathy and Licensing Authority Government of Andhra Pradesh Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of writ of mandamus declaring the action of the fourth respondent not issuing loan licence to the petitioners and their clients under the loan licence system as in prevalent before 31/12/1991 in accordance with the Drugs and Committees Act, and Rules as in force on 5/12/1991 as illegal, arbitrary, unenforceable and pass such other order.

Counsel for the Petitioner:MR.K.V.SUBRAMANYA NARASU

Counsel for the Respondents: GP fOR Medical Health & Family Welfare

WRIT PETITION NO : 5496 of 1994

Between:

1. M/s.Vin Saiora Foods Pvt Ltd., D-27, Phase IV, I.D.A.Jeedimetla Hyderabad, rep.by its Managing Director, Tenneti Chalapati, S/o late T.Suri, Hyderabad.

..... PETITIONER

AND

1. The Union of India, rep. By its Secretary, Ministry of Health and Family Welfare, Nirman Bhavan, New Delhi.
2. The Secretary, Department of Chemicals and Petrochemicals, Government of India, Sastri Bhavan, New Delhi.
3. The Drugs Controller (India, Directorate of Health Services, Nirmal Bhavan, New Delhi.
4. The Commissioner of Indian Medicines and Homeopathy and Licencing Authority, Government of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction in the nature of Writ of Mandamus, declaring the action of the fourth respondent in refusing to renew/grant a loan licence to the petitioner and his clients under the loan licence system as is prevalent before 01.12.1991 in accordance with the Drugs and Cosmetics Act and Rules as in force on 05.11.1991 as illegal, arbitrary and unenforceable.

Counsel for the Petitioner: Mr.K.V.Subramanya Narasu

Counsel for the Respondents: GP For Medical Health & Family Welfare

WRIT PETITION NO : 15698 of 1994

Between:

Vitabiotics Private Ltd., rep.by it's director Sri S.L.Harinath, S/o. Sri Late S.Ramdas, Reg.Office and Factory at A-10&11 , I.D.A.Nacharam, Hyderabad- 501 507.

..... PETITIONER

AND

1 The Union of India, rep.by it's Secretary, Ministry of Health and Family Welfare , Nirman Bhavan, New Delhi.
2 The Secretary ,Department of Chemicals and Petrochemicals, Govt. of India, Shastri Bhavan, New Delhi.
3 The Drugs Controller (India),Directorate of Health Services, Nirman Bhavan, New Delhi.
4 The Commissioner , Indian Medicines & Homeopathy and Licensing Authority, Govt. of A.P., Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction in the nature of Writ of Mandamus decalring the action of the fourth respondent not issuing loan licence to the petitioner and their clients under the loan licence system as in prevalent before 31.12.1991 in accordance with the Drugs and Cosmetics Act and Rules as in force on 5-12-1991, as illegal, arbitrary, unenforceable and pass.

Counsel for the Petitioner: Mr.K.V.Subramanya Narasu

Counsel for the Respondents: GP for Medical & Health and Family Welfare

The Court Made the Following :

ORDER:

In all these writ petitions, the petitioners are manufacturers of Ayurvedic medical formulations. They approached the fourth respondent for a loan licence in vain. Therefore, they approached this Court seeking appropriate direction.

This Court while admitting the writ petitions directed the fourth respondent to consider the application of the petitioners for loan licence in accordance with the Drugs and Cosmetics Act and Rules in force as on 05.12.1991. As the petitioners' grievance was non-issuance of licence for the year 1994-95, now the prayer has become infructuous. However, the learned counsel for the petitioners Sri K.S.R.Murthy submits that in pursuance of the interim orders of this Court, the petitioners' applications were considered and they were being renewed.

In that view of the matter, these writ petitions are disposed of with a liberty to the petitioners to approach the fourth respondent for issue of loan licence for the year 2004-05 and it shall be considered in accordance with the law in force.

These writ petitions are accordingly disposed of.

17.06.2004
pln

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Ministry of Health and Family Welfare, Nirman Bhavan, New Delhi.
2. The Secretary, Department of Chemicals & Petro-chemicals, Government of India, Sastry Bhavan, New Delhi.
3. The Drugs Controller, (India), Directorate of Health Services, Nirman Bhavan, New Delhi.
4. The Commissioner, Department of Indian Medicines & Homeopathy and Licensing Authority, Government of A.P., Hyderabad.
5. 2 CCs to G.P. for Medical, Health & Family Welfare, High Court Buildings, Hyderabad.
6. 2 CDs.